

Peter S. Winokur, Chairman
Jessie H. Roberson, Vice Chairman
John E. Mansfield
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**DEFENSE NUCLEAR FACILITIES
SAFETY BOARD**

Washington, DC 20004-2901



September 2, 2011

Mr. David McCoy
Executive Director
Citizen Action New Mexico
P.O. Box 4276
Albuquerque, New Mexico 87196

Dr. Robert Gilkeson
Registered Geologist
P.O. Box 670
Los Alamos, New Mexico 87544

Ms. Joni Arends
Executive Director
Concerned Citizens for Nuclear Safety
107 Cienega Street
Santa Fe, New Mexico 87501

Dear Mr. McCoy, Dr. Gilkeson, and Ms. Arends:

This letter is in response to your April 21, 2011, letter regarding the safe operation of the Annular Core Research Reactor (ACRR) at Sandia National Laboratories (SNL) and other regulatory compliance issues related to engineered storage silos at SNL.

Regarding the issues you raised with respect to the safe operation of the ACRR, the Defense Nuclear Facilities Safety Board's (Board) staff is currently reviewing the safety basis for the ACRR and will consider your comments and concerns during this review. However, the Board will not comment on the results of the review until it has been completed.

With respect to the issue you raised regarding the engineered storage silos, the Board stated in its February 28, 2011, letter to you: "The staff's review of the silos concluded that they provide adequate protection of the public health and safety." The Board has responded to your March 14, 2011, Freedom of Information Act (FOIA) request on the same subject, and you should already have received a letter with the appropriate enclosures from Mr. Andrew L. Thibadeau, FOIA Officer, dated June 10, 2011.

Regarding your question of whether the Board reviews compliance with Department of Energy (DOE) Orders, the answer is yes. DOE Orders provide a major basis for the Board's reviews. The list of Orders of Interest to the Board can be found at: http://www.dnfsb.gov/pub_docs/orders_of_interest/ooi.php.

With regard to your concern about the Mixed Waste Landfill, our assessment is that the jurisdictional connection is tenuous, and that the Board will not be applying oversight resources to the Mixed Waste Landfill. This assessment is consistent with our letters of July 31, 2008, July 29, 2009, and July 12, 2010. We have referred your concerns related to environmental management to the New Mexico Environmental Department, the Environmental Protection Agency, and to appropriate entities in DOE and National Nuclear Security Administration.

You also expressed an interest in reviewing the Board's review plan for the ACRR and meeting with the Board's staff. The Board trusts that you were able to convey all of your concerns during your teleconference with our staff on July 21, 2011.

Finally, the Board would like to clarify two points in your letter. First, it is important to recognize that the ACRR and the Auxiliary Hot Cell Facility (AHCF) are not in the same high-bay area. The Hot Cell Facility (Building 6580) is connected to the ACRR (Building 6588), but the AHCF (Building 6597) is a separate building. The September 27, 2004, report to which your letter refers was a review of the safety basis at the AHCF, not the ACRR, and the "basis of safety inadequacies" you cite is not from the Board's letter of February 28, 2011. The second point is that the Board has not been required to certify the continued operation of the ACRR and therefore there is no certification to withdraw.

In closing, we would like to note that the Board has provided independent oversight of nuclear weapons-related operations at SNL since the Board was created in 1989. We continue to value your input and thank you for your dedication to the safety of the citizens of New Mexico.

If you should have any further concerns, please do not hesitate to contact us.

Sincerely,

A handwritten signature in black ink, appearing to read "Peter S. Winokur". The signature is stylized and somewhat cursive.

Peter S. Winokur, Ph.D.
Chairman

c: The Honorable Lisa P. Jackson
Mr. F. David Martin
Ms. M. Patrice Wagner
Ms. Mari-Jo Campagnone